

FILED 13 SEP '19 14:35 USDC-ORE

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

STEVEN SMITH,

Plaintiff,

v.

U.S. DEPARTMENT OF  
TRANSPORTATION, and,  
U.S. DEPARTMENT OF  
HEALTH & HUMAN SERVICES,

Defendants.

Civil Case No. 6:19-cv-1482-AA

Jury Trial Demanded - No

**COMPLAINT**

PLAINTIFF submits his Complaint against Defendants U.S. DEPARTMENT OF TRANSPORTATION and U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES to compel compliance with 5 U.S.C. 552 (FOIA) and alleges as follows:

**PARTIES**

1. Plaintiff: STEVEN SMITH  
1224 N.E. Walnut St. #273  
Roseburg, OR 97470  
Ph-541-680-0209
2. Defendants: U.S. DEPARTMENT OF TRANSPORTATION  
1200 New Jersey Ave. SE  
Washington, D.C. 20590  
Ph-202-366-4000

**ORIGINAL**

U.S. DEPARTMENT OF  
HEALTH & HUMAN SERVICES  
200 Independence Ave. SW  
Washington, D.C. 20201  
Ph-877-696-6775

3. Plaintiff is an individual residing in Douglas County, Oregon, Defendants are agencies of the United States.

**JURISDICTION AND VENUE**

4. The Court has jurisdiction pursuant to 5 U.S.C. 552 and 28 U.S.C. 1331, venue is proper pursuant to 28 U.S.C. 1391(e).

**STATEMENT OF THE CLAIM**

5. Plaintiff submitted an FOIA request to Defendant U.S. DEPARTMENT OF TRANSPORTATION on August 19, 2019. *See*, Exhibit 1. Defendant U.S. DEPARTMENT OF TRANSPORTATION has failed to make such timely determinations as are required pursuant to 5 U.S.C. 552(a)(6)(A) and has otherwise failed to comply with 5 U.S.C. 552 with respect to said FOIA requests thus Plaintiff has exhausted administrative remedies pursuant to 5 U.S.C. 552(a)(6)(C).

6. Plaintiff submitted an FOIA request to Defendant U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES on April 17, 2019. *See*, Exhibit 2. Note: The introduction to Plaintiff's FOIA request refers to Plaintiff's personal healthcare information and is redacted for privacy. **Defendants are not authorized to file or otherwise publish Plaintiff's personal healthcare information in this action, including but not limited to unredacted copies of Plaintiff's FOIA request.** *See*, 5 U.S.C. 552a(b).

Defendant U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES has failed to make such timely determinations as are required pursuant to 5 U.S.C. 552(a)(6)(A) and has otherwise failed to comply with 5 U.S.C. 552 with respect to said FOIA request thus

Plaintiff has exhausted administrative remedies pursuant to 5 U.S.C. 552(a)(6)(C).

**COUNT 1, Defendant U.S. DEPARTMENT OF TRANSPORTATION**

7. Plaintiff realleges paragraphs 1 through 5 above as if fully stated herein.

8. Defendant U.S. DEPARTMENT OF TRANSPORTATION is unlawfully failing to comply with 5 U.S.C. 552 resulting in continuing and irreparable detriment and damage to Plaintiff.

**COUNT 2, Defendant U.S. DEPARTMENT OF  
HEALTH & HUMAN SERVICES**

9. Plaintiff realleges paragraphs 1 through 4 and paragraph 6 above as if fully stated herein.

10. Defendant U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES is unlawfully failing to comply with 5 U.S.C. 552 resulting in continuing and irreparable detriment and damage to Plaintiff.

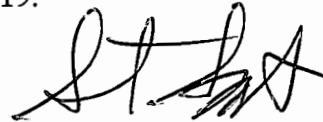
**RELIEF REQUESTED**

1. That the Court order that Defendant U.S. DEPARTMENT OF TRANSPORTATION shall search for and produce by date certain all responsive records called for in Plaintiff's FOIA request (Exhibit 1), shall fully disclose all material details regarding the search, shall in the event of any claim of privilege or exemption produce a *Vaughn* index, and that Plaintiff shall recover from said Defendant his reasonable costs and attorney's fees pursuant to 5 U.S.C. 552(a)(4)(E) and for such other and further relief as may be just.

2. That the Court order that Defendant U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES shall search for and produce by date certain all responsive records called for in Plaintiff's FOIA request (Exhibit 2), shall fully disclose all material details regarding the search, shall in the event of any claim of privilege or exemption produce a *Vaughn* index, and that Plaintiff shall recover from said Defendant his reasonable costs and attorney's fees pursuant to 5 U.S.C. 552(a)(4)(E) and for such other and further relief as may be just.

Pursuant to FRCP 11 I certify to the best of my knowledge, information, and belief that this complaint is not being presented for an improper purpose, is supported by existing law, the factual contentions have factual support, and otherwise complies with FRCP 11. I also agree to provide the Clerk's Office with any change in my address and understand that failure to do so may result in the dismissal of my complaint.

Dated this 12<sup>th</sup> day of September, 2019.

A handwritten signature in black ink, appearing to read 'St. Smith', written over a horizontal line.

Steven Smith, Plaintiff, Pro Se  
1224 N.E. Walnut St. #273  
Roseburg, OR 97470  
541-680-0209